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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/706,503	11/12/2003	Il-Yong Park	4366-032163	7233
28289	7590	06/06/2006		
THE WEBB LAW FIRM, P.C. 700 KOPPERS BUILDING 436 SEVENTH AVENUE PITTSBURGH, PA 15219			EXAMINER KOEHLER, CHRISTOPHER M	
			ART UNIT	PAPER NUMBER
			3726	

DATE MAILED: 06/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/706,503	<b>Applicant(s)</b> PARK, IL-YONG	
	<b>Examiner</b> Christopher M. Koehler	<b>Art Unit</b> 3726	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 21 April 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) 1 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2-4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>4/5/04</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Election/Restrictions*

1. Claim 1 is withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on April 21, 2006.

### *Specification*

2. The disclosure is objected to because of the following informalities: On page 9, line 7, "In particular, the layer 15a" should read --In particular, if the layer 15a--.  
Appropriate correction is required.
3. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: METHOD OF MANUFACTURING A FILING TOOL FOR HARDENED-SKIN CARE.

### *Claim Rejections - 35 USC § 112*

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:  
  
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
5. **Claims 2-4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

#### Claim 2:

Applicant claims a fourth step of forming a first nickel-plated layer followed by uniformly applying stone powders on said first nickel-plated layer and a fifth step of

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further plating nickel on the stone powders to form a second nickel-plating layer, all of which is consistent with the disclosure provided. It is however unclear how one is to fix the stone powders between said first and second nickel-plated layers as a sixth and subsequent step to applying the second nickel-plating layer of the fifth step.

Appropriate revision is required to clearly define the method of claim 2.

Claim 4:

Applicant discloses only two nickel-plating steps in the specification, which fix the stone powders between them. Claim 4, which is effectively the seventh step, provides a further nickel-plating process after the sixth step of claim 2. This would provide a process with at least 3 nickel-plated layers, one from each of steps 4, 5 and 7, and as mentioned above in relation to claim 2, possibly a fourth nickel-plated layer from step 6. It is therefore indefinite as to how many and in what sequence the nickel-plated layers are applied to the substrate to fix the stone powders. Appropriate revision is required to clearly define the method of claim 4.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. **Claims 2-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Park (US Patent No. 6,450,175) in view of Daley (US Patent No. 6,145,512).**

Claim 2 (as best understood):

Park teaches a method of manufacturing a filing tool for hardened-skin care having a plurality of filing parts formed on a substrate comprising, a first step of setting a patterned photosensitive dry film on the metal plate (col. 2, lines 54-56), a second step of exposing the substrate set with the film to light (col. 2, lines 56-60), a third step of removing a non-exposed portion of the dry film to form a masking pattern (col. 2, lines 60-67), and a fourth step of plating nickel, as well as stone powders, i.e. white alumina, on the substrate formed with the masking pattern to form a first nickel-plated layer supporting the stone powders (col. 3, lines 9-18). Park does not expressly teach a metal plate substrate, or a second nickel-plated layer. The examiner takes official notice that it is well known in the art of nail and skin files to use a metal plate as the base for the filing tool. Such nail files are widely commercially available such that it would have been obvious to one of ordinary skill in the art at the time of invention to modify the substrate (base) taught by Park to be made of metal for greater strength and durability. Daley teaches a method of manufacturing a filing tool wherein each layer of abrasive material includes a base coat (52), abrasive material (54) fused to the base coat, and a thin sizing coat (56) applied over the abrasive material (col. 5, lines 4-8). Daley also teaches that the sizing coat is preferably a thin coat of material substantially similar to the base coat, which for the sake of applying the sizing coat teaching of Daley to Park would be nickel plating (col. 2, lines 17-21). It would have been obvious to one of ordinary skill in the art at the time of invention to apply the sizing coat teachings of Daley to the method of Park since Daley teaches that the coating further holds the

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abrasive grains in place while not significantly diminishing the abrasiveness of the finished surface (col. 2, lines 19-21 and figure 5).

Claim 3:

Park teaches that between the third and fourth steps, the metal plate is acid cleaned (col. 3, lines 9-11) and then activated for electroplating (col. 3, lines 11-13). Park does not teach ultrasonically cleaning the metal plate to remove impurities. The examiner takes official notice that it is a well-known practice to clean metal ultrasonically in order to remove impurities. Machines for ultrasonically cleaning metal are commercially available and often used to remove impurities from jewelry. It would have been obvious to one of ordinary skill in the art at the time of invention to additionally ultrasonically clean the metal to remove impurities that would not be removable with the acid cleaning of Park.

Claim 4 (as best understood):

Park teaches acid-cleaning the metal plate (col. 3, lines 9-11) and then activating the metal plate for electroplating (col. 3, lines 11-13) followed by nickel-plating the metal plate after the third step.

**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher M. Koehler whose telephone number is (571) 272-3560. The examiner can normally be reached on Mon.-Fri. 7:30A-4:00P.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bryant can be reached on (571) 272-4526. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CMK

A handwritten signature in black ink, appearing to read 'David Bryant', with a stylized, cursive script.

**DAVID P. BRYANT  
PRIMARY EXAMINER**